



STATE OF TENNESSEE
BUREAU OF TENNCARE
DEPARTMENT OF FINANCE AND ADMINISTRATION
P.O. Box 000593
NASHVILLE, TENNESSEE 37202-0593

Policy Clarification Memorandum

TO: MCC CEOs, Medical Directors, UM Managers, and Appeals Coordinators
FROM: Patti Killingsworth, Assistant Commissioner/Chief Administrative Officer
Date: May 22, 2006

In our continued efforts to clarify our coverage policy for TennCare services, please note that Exclusions Rules which became effective on January 10, 2006, as further clarified effective May 3, 2006, do **not** intend to exclude TennCare coverage of TENS (Transcutaneous Electrical Nerve Stimulation) units when such items are medically necessary.

We will be promulgating further clarifications to these rules to modify 1200-13-13-.10(3)(b)48 and 1200-13-14-.10(3)(b)48 as follows:

"Vagus nerve stimulators, except after conventional therapy has failed in treating partial onset of seizures."

In the interim, requests for *any other* type of nerve stimulator should not be denied as non-covered, but instead evaluated on the basis of medical necessity—for both children and adults. Further, you must review any request for Vagus nerve stimulators to ascertain whether conventional therapy has failed in treating partial onset of seizures such that the device may be covered under TennCare.

We want to reiterate that you should interpret these rules **literally** and **precisely**, being careful not to expand upon specific exclusions identified therein. For example, the specific exclusion for furniture at 1200-13-13-.10(3)(b)v. and the specific exclusion for rollabout chairs at 1200-13-13-.10(3)(b)xiii. do not include Durable Medical Equipment (DME) items. DME is also, by definition, "appropriate for and used in the patient's home," but is "primarily and customarily used to serve a medical purpose." "Furniture" includes items which are non-medical in nature such as chairs, tables, beds, and mattresses that anyone might otherwise purchase for use in the home. "Rollabout chairs" are desk chairs on wheels that anyone might otherwise purchase for personal use. DME chairs (including those with wheels) that are provided by home health agencies and/or DME companies and which are specifically designed to address medical or developmental problems, e.g., special positioning needs, mobility assistance, etc., are covered as medically necessary and should not be denied as excluded items.

Again, if you have any questions regarding these clarifications, or any other questions pertaining to interpretation of the Exclusions Rules, please let us know—in particular if you are anticipating denial of a service on the basis that such item is excluded from coverage when such exclusion is not part of the literal and precise (“plain language”) reading of the applicable rule.

Please ensure that these clarifications are promptly provided to all staff, as appropriate.

Thank you.

Cc: Dr. Wendy Long
Dr. David Collier
Winnie Toler
Susie Baird